

From: (b) (6)
To: [Cason, Gregory Michael CIV USN DNS \(USA\)](#)
Subject: Automatic reply: 2022-000523
Date: Monday, October 25, 2021 2:17:57 PM

I will return on Tuesday, 26 October 2021. If necessary, I can be contacted at (b) (6).

Best regards,

(b) (6)

From: (b) (6)
To: [Cason, Gregory Michael CTR \(USA\)](#)
Subject: FOIA Request DON-NAVY-2022-000523
Date: Monday, October 25, 2021 1:49:51 PM

Hi Greg,

I am emailing about FOIA 2022-000523. I don't think this belongs to NCIS, and I had advised Mr. Mason of the same. While NCIS does manage the DON Polygraph credibility assessment program, we certainly do not make personnel actions (except in regards to NCIS employees) on Navy or Marine Corps military and civilians. NCIS is not responsible for assigning military or civilians to CI positions (other than NCIS employees and active duty attached to NCIS), we do not have anything to do with ensuring individuals who do not pass a CSP exam are assigned to a different pay/grade, and we certainly do not have the capabilities to change anyone's personnel records for the purposes of awards and promotions. NCIS would only administer a polygraph examination and provide the results to the applicable military commands.

After reading the comments in FOL, you referenced SECNAVINST 3850.2E to reassign it to NCIS. However, it states on Page 14 that the DNI shall exercise authority, direction, and control over USN CI personnel and activities, unless such personnel are assigned to NCIS and on Page 16, that the DIRINT, Headquarters Marine Corps shall Exercise authority, direction, and control over USMC CI personnel and activities, unless such personnel are assigned to NCIS.

I have forwarded the FOIA request to our Polygraph Special Agent in Charge just to verify this is not something NCIS would have cognizance over. I will let you know when I hear back.

(b) (6)
Government Information Specialist
NCIS FOIA Team
ncis_foia@ncis.navy.mil
(b) (6)

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From: (b) (6)
To: Cason, Gregory Michael CIV USN DNS (USA); (b) (6)
Subject: RE: 2022-000523
Date: Tuesday, October 26, 2021 9:25:29 AM

Good Morning Greg,

This appears to be a request for implementation of a new policy by the Department of the Navy, not a FOIA request for existing documents or policy. As such it is not a proper FOIA request. Recommend you return it to him with a denial letter to that effect. As for who should do it, since this is a request for DON policy, it is probably best handled at the Secretariat level even though there is not a Department-wide polygraph policy (that's pretty much what he appears to be requesting from the 2 pages you sent). In addition, neither NCIS, FCC, NIA or N2N6 could establish an equivalent policy to the Army Regulation that he cites. It is possible that the CNO and/or CMC could do so, but it would be unlikely that they would absent higher guidance to that effect from SECNAV in a SECNAVINST.

V/r, (b) (6)

(b) (6)

This email may contain information privileged from disclosure under the Attorney-Client Privilege or Attorney Work Product.

From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Sent: Monday, October 25, 2021 2:18 PM
To: (b) (6)
Cc: (b) (6)
Subject: 2022-000523

Gentlemen:

Good afternoon. I am contacting both of you for your expertise. Please take a look at the attached request. I have spoken with N2N6, ONI and NCIS and all have said it is not under their cognizance. It was pointed out the member was part of Cyber Command at time of exam and thought your command may have responsive documents. Thank you.

Very Respectfully,
Gregory Cason
CNO/SECNAV
Deputy Director, FOIA/Privacy
Information Specialist FOIA/PA

Department of the Navy

NEW NUMBER P: 202-685-6533

(b) (6)

F: 202-685-6580

Gregory.cason1@navy.mil

Gregory.cason3@navy.smil.mil

Sent on behalf of DNS-H(36) Director, Information Specialist / FOIA-PA

NOTICE

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From: (b) (6)
To: Cason, Gregory Michael CIV USN DNS (USA); (b) (6)
Cc: (b) (6)
Subject: RE: 2022-000523
Date: Tuesday, October 26, 2021 9:24:46 AM

Greg:

I'm very familiar with Mr. Lingg and with the Army Regulation Mr. Lingg refers to (I spent six years as senior civilian attorney for U.S. Army Cyber Command). The Army Regulation Mr. Lingg refers to applies to Army civilian personnel under the cognizance of the Army G2. We did not take the same view for our cyber personnel, nor do the other services generally, based on conditions of employment requiring successful completion of a polygraph examination.

I'll coordinate with our SSO and others as appropriate and respond as part of my continuing dialogue with Mr. Lingg.

V/R

(b) (6)
[Redacted]
[Redacted]
[Redacted]
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[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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From: (b) (6)
Subject: RE: 2022-000523
Date: Tuesday, October 26, 2021 9:36:07 AM
ason, Gregory Michael CIV USN DNS (USA); (b) (6)

(b) (6) Greg:

Concur we don't have such a policy. The instruction he cites is a classified instruction applicable to Army Counterintelligence. Concur we should probably just tell him the request is inappropriate.

V/R

(b) (6)

From: (b) (6)
Sent: Tuesday, October 26, 2021 9:25 AM
To: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>; (b) (6)
(b) (6)
Subject: RE: 2022-000523

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(b) (6)

[Redacted]

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To: (b) (6)

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From: (b) (6)
To: [Cason, Gregory Michael CIV USN DNS \(USA\)](#)
Subject: RE: DON-NAVY-2022-000523
Date: Wednesday, October 20, 2021 11:17:50 AM

Mr. Cason,

(b) (5)

Working with our SMEs now to see if it's releasable.

Very respectfully,

(b) (6)

From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Sent: Tuesday, October 19, 2021 11:51 AM
To: (b) (6)
Subject: RE: DON-NAVY-2022-000523

(b) (6)

Thank you. I am not sure if N2N6 would be the appropriate office we are kind of shooting in the dark with this. I have also asked ONI and NCIS. Again thank you for the assistance.

Very Respectfully,

Gregory Cason

CNO/SECNAV

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From: (b) (6)
Sent: Tuesday, October 19, 2021 11:42 AM
To: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Cc: DONFOIA-PA <donfoia-pa@navy.mil>; (b) (6)
(b) (6)
Subject: RE: DON-NAVY-2022-000523

Mr. Cason,

Received. I will ask our security specialist to see if there is a Navy instruction on point. Not sure if N2N6 would actually own the record, but wouldn't be an issue if it's a publicly available record. In the case it is publicly available, the FOIA process is not the appropriate avenue for him to track down the instruction. We would essentially be conducting research for him.

Very respectfully,

(b) (6)
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From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Sent: Tuesday, October 19, 2021 10:04 AM
To: (b) (6)
(b) (6)
Cc: DONFOIA-PA <donfoia-pa@navy.mil>
Subject: DON-NAVY-2022-000523

(b) (6)

TIME SENSITIVE REQUEST: As the FOIA statute (5 USC 552) only allows 20 days for a response please reply to this email within 2 working days. Attached is the document referenced by the requester.

Our office received the attached FOIA Online request DON-NAVY-2022-000523. This is an attempt to

1. locate the requested information within the organization, and
 2. coordinate the search and
 3. review for public release.
- a. Please conduct a search of your systems to identify if the request falls under your command's cognizance. If documents are located and you are the originator, review the documents, and highlight any portions prohibited from public release.
If the documents are voluminous or require extensive search, contact DNS-36 to coordinate a timely fee estimate and request time extension.
 - b. If documents are found but do not fall under your cognizance for release determination, please identify originator or other equities/stakeholders provide the documents to DNS-36 so that we may be able to facilitate coordination review(s).
 - c. If you do not locate subject files, provide a description of your search for the administrative file and be included in an Appeal or Litigation challenging an inadequate search.
 - d. In the event that your command does not have cognizance or any documents please provide any knowledge you may have as to where they may be located so that we may continue to conduct our search for the correct command.

Very Respectfully,

Gregory Cason

CNO/SECNAV

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Information Specialist FOIA/PA

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From: (b) (6)
To: [Cason, Gregory Michael CIV USN DNS \(USA\)](#)
Subject: RE: DON-NAVY-2022-000523
Date: Wednesday, October 20, 2021 10:13:19 AM

Hi Gregory,

Mr. Lingg's request seems broad. The link he provided references an old 1993 Army policy. The current Army policy does not even contain Appendix E. However, any policy that relates to CSP examination would not be generated by ONI. It mostly would come from big Navy. We "ONI" would follow their policy if one was conducted here. And, Counterintelligence Examination most likely would be under NCIS.

I hope this information helps.

Thank you,

(b) (6)

From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Sent: Tuesday, October 19, 2021 10:06 AM
To: (b) (6)
Cc: DONFOIA-PA <donfoia-pa@navy.mil>
Subject: DON-NAVY-2022-000523

(b) (6)

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Gregory.cason3@navy.smil.mil

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To: [Cason, Gregory Michael CIV USN DNS \(USA\)](#)
Cc: [DONFOIA-PA](#); (b) (6)
Subject: RE: DON-NAVY-2022-000523
Date: Tuesday, October 19, 2021 11:42:52 AM

Mr. Cason,

Received. I will ask our security specialist to see if there is a Navy instruction on point. Not sure if N2N6 would actually own the record, but wouldn't be an issue if it's a publicly available record. In the case it is publicly available, the FOIA process is not the appropriate avenue for him to track down the instruction. We would essentially be conducting research for him.

Very respectfully,

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From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Sent: Tuesday, October 19, 2021 10:04 AM
To: (b) (6)
(b) (6)
Cc: DONFOIA-PA <donfoia-pa@navy.mil>
Subject: DON-NAVY-2022-000523

(b) (6)
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To: [Cason, Gregory Michael CIV USN DNS \(USA\)](#)
Cc: (b) (6)
Subject: RE: DON-NAVY-2022-000523
Date: Monday, October 25, 2021 12:06:52 PM

Mr. Cason,

After taking a closer look at the internal document, it does not address the HR matter that Mr. Lingg is looking for so we do not have any responsive documents.

I am closing this out on our end. Please let me know if you need anything further.

Very respectfully,

(b) (6)
[Redacted signature block]

From: (b) (6)
Sent: Wednesday, October 20, 2021 11:17 AM
To: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Subject: RE: DON-NAVY-2022-000523

Mr. Cason,

(b) (5)
[Redacted signature block]

Working with our SMEs now to see if it's releasable.

Very respectfully,

(b) (6)
[Redacted signature block]

From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>

Sent: Tuesday, October 19, 2021 11:51 AM

To: Nikam, Tanya S LCDR USN DCNO N2N6 (USA) <tanya.nikam@navy.mil>

Subject: RE: DON-NAVY-2022-000523

LCDR;

Thank you. I am not sure if N2N6 would be the appropriate office we are kind of shooting in the dark with this. I have also asked ONI and NCIS. Again thank you for the assistance.

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Cc: DONFOIA-PA <donfoia-pa@navy.mil>; (b) (6)

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Sent: Tuesday, October 19, 2021 10:04 AM

To: (b) (6)

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Cc: DONFOIA-PA <donfoia-pa@navy.mil>

Subject: DON-NAVY-2022-000523

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From: (b) (6)
To: [Cason, Gregory Michael CIV USN DNS \(USA\)](#)
Subject: RE: FOIA Request DON-NAVY-2022-000523
Date: Monday, October 25, 2021 2:12:11 PM

The individual who submitted the request has submitted a previous request regarding the actual administration of polygraph examinations, and we provided him the applicable NCIS polygraph chapter. His lawyer had also submitted a request to receive a copy of his CI polygraph from 2019. Perhaps the information he is looking for is with his previous command of Fleet Cyber Command. Since that was the unit he was attached to at the time, I assume they would have policy regarding what to do if their command members did not pass a polygraph or refused to take a polygraph?

(b) (6)

-----Original Message-----

From: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us navy.mil>
Sent: Monday, October 25, 2021 1:52 PM
To: (b) (6)
Subject: RE: FOIA Request DON-NAVY-2022-000523

Thank you (b) (6). This is a tough one for us as ONI and N2N6 said they have nothing.

-----Original Message-----

From: (b) (6)
Sent: Monday, October 25, 2021 1:49 PM
To: Cason, Gregory Michael CTR (USA) <gregory.cason1@navy mil>
Subject: FOIA Request DON-NAVY-2022-000523

Hi Greg,

I am emailing about FOIA 2022-000523. I don't think this belongs to NCIS, and I had advised (b) (6) of the same. While NCIS does manage the DON Polygraph credibility assessment program, we certainly do not make personnel actions (except in regards to NCIS employees) on Navy or Marine Corps military and civilians. NCIS is not responsible for assigning military or civilians to CI positions (other than NCIS employees and active duty attached to NCIS), we do not have anything to do with ensuring individuals who do not pass a CSP exam are assigned to a different pay/grade, and we certainly do not have the capabilities to change anyone's personnel records for the purposes of awards and promotions. NCIS would only administer a polygraph examination and provide the results to the applicable military commands.

After reading the comments in FOL, you referenced SECNAVINST 3850.2E to reassign it to NCIS. However, it states on Page 14 that the DNI shall exercise authority, direction, and control over USN CI personnel and activities, unless such personnel are assigned to NCIS and on Page 16, that the DIRINT, Headquarters Marine Corps shall Exercise authority, direction, and control over USMC CI personnel and activities, unless such personnel are assigned to NCIS.

I have forwarded the FOIA request to our Polygraph Special Agent in Charge just to verify this is not something NCIS would have cognizance over. I will let you know when I hear back.

(b) (6)

Government Information Specialist

NCIS FOIA Team

ncis_foia@ncis.navy.mil

(b) (6)

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From: (b) (6)
To: [Cason, Gregory Michael CIV USN DNS \(USA\)](mailto:Gregory Michael CIV USN DNS (USA))
Subject: RE: FOIA Request DON-NAVY-2022-000523
Date: Tuesday, October 26, 2021 11:53:58 AM

Hi Greg,

The NCIS Polygraph POC has advised that any decisions regarding the results of a CSP or refusal to take one is made at the command level and that this FOIA request is not something that NCIS can process. In light of this, we will reassign Mr. Lingg's request back to you guys.

Thanks,

(b) (6)

-----Original Message-----

From: Cason, Gregory Michael CIV USN DNS (USA)
<gregory.m.cason.civ@us.navy.mil>
Sent: Monday, October 25, 2021 2:14 PM
To: (b) (6)
Subject: RE: FOIA Request DON-NAVY-2022-000523

Thank you for the information, I will hit them up.

-----Original Message-----

From: (b) (6)
Sent: Monday, October 25, 2021 2:12 PM
To: Cason, Gregory Michael CIV USN DNS (USA) <gregory.m.cason.civ@us.navy.mil>
Subject: RE: FOIA Request DON-NAVY-2022-000523

The individual who submitted the request has submitted a previous request regarding the actual administration of polygraph examinations, and we provided him the applicable NCIS polygraph chapter. His lawyer had also submitted a request to receive a copy of his CI polygraph from 2019. Perhaps the information he is looking for is with his previous command of Fleet Cyber Command. Since that was the unit he was attached to at the time, I assume they would have policy regarding what to do if their command members did not pass a polygraph or refused to take a polygraph?

(b) (6)

-----Original Message-----

From: Cason, Gregory Michael CIV USN DNS (USA)
<gregory.m.cason.civ@us.navy.mil>
Sent: Monday, October 25, 2021 1:52 PM
To: (b) (6)
Subject: RE: FOIA Request DON-NAVY-2022-000523

Thank you (b) (6). This is a tough one for us as ONI and N2N6 said they have nothing.

-----Original Message-----

From: (b) (6)
Sent: Monday, October 25, 2021 1:49 PM
To: Cason, Gregory Michael CTR (USA) <gregory.cason1@navy.mil>

Subject: FOIA Request DON-NAVY-2022-000523

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(b) (6)

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